

REMARKS/ARGUMENTS

Applicants' traverse the above identified rejections of claims 1-21 and 23-25 but withdraw such claims from consideration and replace them with claims 34-58 drawn on similar subject matter. Applicants reserve the right to prosecute claims 1-21 and 23-25 in a future continuing application.

By replacing Claims 1-21 and 23-25 with new claims 34-58, Applicants' submit that no new matter is believe added and that the above identified rejections are not applicable to such claims.

Claim 34 is directed to a solid laminated blank suitable for machining to form a laminated bat. Independent claim 37 is directed to a laminated blank having a predetermined exterior outline suitable for machining to form a laminated body having a predefined weight distribution wherein said laminated body is used for striking a ball.

The Applicants' specification provides the following selected teachings relating to laminated blanks and laminated blocks:

Referring now to Figure 10, an exemplary laminated blank (130) is depicted from a side plan view. The dashed line (131) in Figure 10 indicates the final shape of the bat. *As shown in Figure 10, laminated blank (130) is comprised of nine laminated blocks (138-154).* As will be described below, having a laminated blank comprised of multiple laminated blocks enhances the ability to engineer the location of a bat's center of mass. It will be appreciated that with this exemplary embodiment, in addition to the faces of adjacent portions of each laminated block being bonded together, the ends of adjacent portions of laminated blocks are bonded together. For example, laminated block (146) includes laminated block end (146a) and (146b) and laminated block (148) includes laminated block end (148a) and (148b). Laminated block end (146b) is bonded to laminated block end (148a) and laminated block end (148b) is bonded to laminated block end (150a). [Page 20, First paragraph] (emphasis added)

Figure 10 depicts just one embodiment of Applicants' invention and it should be appreciated that a laminated blank composed of fewer laminated blocks and more laminated blocks falls within the intended scope of the Applicants' invention.

The Applicants' specification further provides the following selected teachings related to bat portions:

Notably, for a presently preferred embodiment described above, each of the first and second barrel portions (40, 42) is the same size and adjacent to each other. It will be appreciated, however, that such barrel portions (40, 42) may run the length of the barrel or only part of the length of the barrel. *In addition, such portions (40, 42) may be different in length and width and height, and such barrel portions (40, 42) may or may not be adjacent to each other.* Additionally, such technology may be used to construct only non-barrel portions of bat (10), such as the handle section or the label section. And in some embodiments, each portion can be disposed in a different section (handle, label and barrel) than the other portion. In yet other embodiments, at least one portion can extend into two of the bat's sections (handle, label, barrel) while another portion can extend into the same two of the different sections or only one other section, either wholly or partially. [Page 13, paragraph 3 – top of Page 14] (emphasis added)

It is respectfully submitted that upon reviewing the Applicant's specification, one of ordinary skill in the art would conclude that a "laminated block" is a bat portion (such as bat portion 40 or 42) and that such portions "may be different in length and width and height" and be disposed in any configuration along the bat. Therefore, it is respectfully submitted that such teachings support the new claims and no new matter has been added.

Applicants respectfully request favorable action on claims 34-58 and withdrawal of the present rejections. The Examiner is invited to call the undersigned at his convenience to resolve any remaining issues. Please charge any additional fees required by this Amendment to Deposit Account No. 503176.

Respectfully submitted,

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Date



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